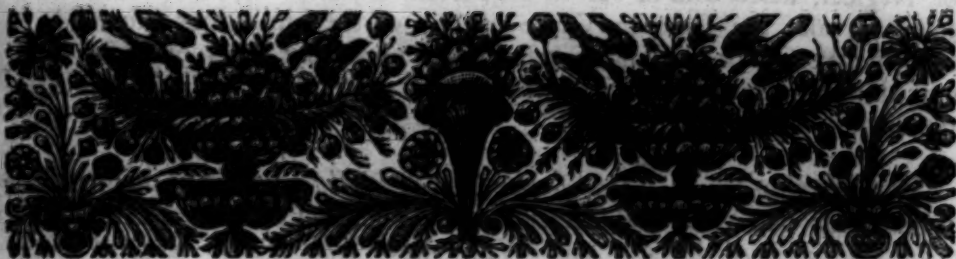


H. Great Brit. George II.

*357. d. 10
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26 Geo. II - c. 8

A BILL for making the Exemplification of the last Will of Henry late Earl of Shelburne in the Kingdom of Ireland deceased, Evidence in all Courts of Law and Equity, in Great Britain and Ireland.

 *Whereas Henry, late Earl of Shelburne, in the Kingdom of Ireland, deceased, did, in his Life Time, duly make and publish his last Will and Testament in Writing, bearing Date on or about the Twenty-third Day of March, in the Year of our Lord One Thousand Seven Hundred and Fifty; and thereby gave and devised all and singular his Manors, Messuages, Lands, Rents, Tenements, and Hereditaments whatsoever and wheresoever in Great Britain and Ireland, or either of them, wherein he or any Person or Persons in Trust for him, had any Estate in Fee Simple in Possession, Reversion, Remainder, or Expectancy, and all other his real Estates, unto his Nephew the Honourable John Fitzmaurice, of the City of Dublin, for the Term of Ninety-nine Years, if the said John Fitzmaurice should so long live, without Impeachment of Waste, with divers Remainders over; and the said Testator declared his Will and Desire to be, That the said John Fitzmaurice, and the other Persons in Remainder, should respectively, within one Calendar Month next after their respective coming into the Possession of the said Testator's said real Estates, or any Part thereof, by Virtue of his said Will, change their own Surnames, and instead thereof take upon them respectively and use the Surname of Petty; With a Proviso in the said Will contained, That in case the said John Fitzmaurice, and the several other Persons in Remainder, or any of them, should refuse or neglect to take upon them respectively the said Surname of Petty, within the Time above limited, then the Devise therein before contained, and the Estate therein before limited, to such of them as should refuse or neglect so to do, should cease, determine, and be utterly void, and of none Effect; and all*
the

the said Manors and Premises, should immediately, upon such Refusal or Neglect, descend to or vest in the Person or Persons who would be entitled to take the same by Virtue of any of the Limitations aforesaid, in case the Person or Persons so refusing or neglecting, was or were dead, any thing therein before contained to the contrary in any wise notwithstanding,

And whereas the said Henry, late Earl of Shelburne, died without having revoked his said Will, and thereupon the said Testator's Nephew, called John Fitzmaurice in the said Will, now John Petty, Lord Viscount Fitzmaurice in the said Kingdom of Ireland, became entitled to and possessed of the said Estates so limited to him by the said Testator, and did in Compliance with, and Conformity to the Directions of the said Will in that behalf, use and take upon him the said Surname of Petty, and obtained an Act to be passed in the Parliament of Great Britain, in the Twenty-fourth Year of his present Majesty's Reign (entituled, *An Act to enable the Honourable John Fitzmaurice, and his Issue, to take and use the Surname of Petty, pursuant to the Will of the Right Honourable Henry, late Earl of Shelburne, in the Kingdom of Ireland, deceased*) whereby it was enacted, That the said John Petty (now Lord Viscount Fitzmaurice in the said Kingdom of Ireland) and his Issue, should from thenceforth, and at all Times thereafter, have, use, assume, and take upon him, them, and every of them, the Surname of Petty, and should in all Deeds, Letters, and other Instruments of Writing, be called and stiled by the Surname of Petty, and sett, transcribe, and write his and their Surname and Surnames Petty, to all and every such Deeds, Writings, Letters and Instruments.

And whereas the said Will hath been duly proved in the High Court of Chancery of Great Britain, and the said John Petty, Lord Viscount Fitzmaurice, may have frequent Occasion to produce or give the same in Evidence, as well in Great Britain as in Ireland; and the said Will cannot (as Occasion may from Time to Time require) be carried from one Kingdom to the other, so as to be made use of at any Trial at Law, without great Hazard, nor can the Witnesses who are able to prove the due Execution of the said Will, be compelled by any Process to attend in the said Kingdom of Ireland, to give their Testimony at any Trial at Law to be had there;

Wherefore Your Majesty's most dutiful and obedient Subject, the said John Petty, Lord Viscount Fitzmaurice,

Doth most humbly beseech Your Most Excellent MAJESTY,

That it may be Enacted, And be it Enacted, by the King's Most Excellent MAJESTY, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons in this present Parliament assembled, and by the Authority of the same, That for the better Preservation and safe Custody of the said Will, the said John Petty, Lord Viscount Fitzmaurice, and all or same

any of the Persons claiming under the said Will, shall and may at any Time hereafter be at Liberty to exemplify in the said High Court of Chancery, the said Will, and the Proceedings and Depositions of the Witnesses already taken there for proving the same, and now remaining as of Record in the same Court (which said Will, Proceedings, and Depositions, the proper Officers of the said Court are hereby required, as often as Occasion shall be, to exemplify accordingly) and that when the same shall be so exemplified, under the Great Seal of *Great Britain*, such Exemplifications so under Seal as aforesaid, shall and may be produced, pleaded, read, given, and allowed in Evidence, on any Trial, or in any Suit, in all, every, or any of the Courts of Law or Equity, in the Kingdoms of *Great Britain* and *Ireland*, or in either of them; and that upon producing the said Exemplifications of the said Will, Proceedings, and Depositions, such Exemplifications shall and may be admitted to be read and pleaded, and be deemed, adjudged, taken and allowed in all and every, or any of the said Courts of Law or Equity, in the said Kingdoms of *Great Britain* and *Ireland*, or in either of them, to be, and shall be as good and effectual to all Intents and Purposes, as if the said original Will had been produced, pleaded and proved there.

Provided always, and it is hereby **Declared**, That no Clause or Expression in this Act contained, shall any wise extend or be interpreted to add unto or diminish the Force or Effect of the said Will, but the same shall be, and be construed to be of the same Effect and Force, and none other, as if this Act had not been made.

And be it further **Enacted**, by the Authority aforesaid, That this Act, and every Clause and Part thereof, shall be deemed and taken Notice of in all and every, or any of the Courts of Law or Equity, within the Kingdoms aforesaid, or either of them, as a publick Act of Parliament, and the Exemplification thereof, under the Great Seal of *Great Britain*, shall, and may be admitted and read according, in all and every, or any of the Courts of Law and Equity in *Great Britain* or *Ireland*.

357. 6. 10
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*A BILL for making the Exem-
plification of the last Will of
Henry late Earl of Shelburne
in the Kingdom of Ireland
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of Law and Equity in Great
Britain and Ireland.*

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